

# State of Rhode Island - Division of Taxation

## Sales and Use Tax

### Regulation SU 87-50

#### Food Products

In general, tax does not apply to sales of food products for home consumption by humans when sold by food stores and supermarkets.

Tax does apply to meals, food and drinks, including "take out" orders sold by eating establishments. (Cross reference: Meals)

#### FOOD PRODUCTS DO NOT INCLUDE:

a. Food products do not include and the tax accordingly applies to receipts from the following retail sales: chewing gum, coloring extracts, dog, cat, bird and other animal foods, root beer and root beer extracts, malt, malt extracts, carbonated waters, ice, soda water, orangeade, lemonade, limeade, ginger ale, beer, wine and spirituous liquors.

Beverages which are made up of water and fruit juices or water and concentrated fruit juices are not regarded as "food products," and therefore taxable. EXCEPTION: CRANBERRY JUICE COCKTAIL.

These taxable beverages, even though referred to as "fruit drinks," may also contain other items such as sugar, corn syrup, citric acid, natural fruit flavors, artificial color, Vitamin A, B2 or C and other ingredients.

Examples of such taxable fruit drinks are: HI-C, Welchade, Mott's A.M. 5 Fruit Juice Drink, Bessey's, BC Cherry-Apple Juice Drink, Hawaiian Punch, and Del Monte Pineapple Grapefruit Juice Drink.

Accordingly, such "fruit drink" beverages are in the same taxable classification as orangeade, lemonade and limeade.

b. Candy, confectionery, etc. Tax applies to sales of candy and confectionery, which includes chocolate-coated nuts, candied fruits, crystallized fruits and glazed fruits.

Preparation of fruits, nuts or popcorn in combination with chocolate, sugar, honey, candy or other confectionery unless sold for cooking purposes, are not food products within the meaning of the exemption. The method used in packaging and distributing these preparations, including the kind and size of the container used, will be considered in determining the primary use for which these preparations are sold.

Cake or bar chocolate sold primarily for cooking purposes, is a food product within the meaning of the law. The method used in packaging and distributing the chocolate will be considered in determining the primary use for which it is sold.

R. GARY CLARK  
TAX ADMINISTRATOR

DATE: May 1, 1987